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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,208	02/22/2001	Andrew Rodney Ferlitsch	SLA 0345	5137

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KRIEGER INTELLECTUAL PROPERTY, INC.  
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EXAMINER
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HUNTSINGER, PETER K

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/681,208

Applicant(s)

FERLITSCH ET AL.

Examiner

Peter K. Huntsinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-20 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 10/30/06 have been fully considered but they are not persuasive.

The applicant argues on page 7 of the response in essence that:

**Sugiyama does not teach an end-user computing device that performs the functions of the current claims.**

a. Sugiyama discloses that the functions of the search server can be performed by the personal computer (col. 10-11, lines 59-67, 1-3).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-10, and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama Patent 6,965,958, and further in view of Lobiondo Patent 5,287,194.

Referring to claim 1, Sugiyama discloses a method for dividing a print task into a plurality of proportional print tasks, said method comprising the following acts in order: sending a print task from an application executing on a computing device to a driver on said computing device (col. 6, lines 22-27); converting said print task to a printer-specific print task with said driver (col. 7, lines 8-21); sending said printer-specific print task to a spooler (col. 6, lines 22-27); sending said printer-specific print task from said spooler to a non-driver print processor (despoiler 42 of Fig. 5, col. 5, lines 44-51) on said computing device (col. 10-11, lines 59-67, 1-3); receiving print task modification commands at said non-driver print processor (Fig. 6, col. 5, lines 52-57); determining individual printer capabilities for a plurality of printers, wherein said capabilities relate to at least one of a printer speed, a printer availability and a printer media capacity (S12 of Fig. 9, col. 8, lines 14-21); and modifying said printer-specific print task with said non-driver print processor (col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the

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same field of selecting a printer for printing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claim 1.

Referring to claim 2, Sugiyama discloses wherein said sending said print task modification commands comprises reading command data from a configuration file (col. 5, lines 31-32).

Referring to claim 3, Sugiyama discloses the act of prompting a user for print task modification commands (Fig. 6, col. 5, lines 52-57).

Referring to claim 5, Sugiyama discloses wherein said prompting is driver-based (col. 5, lines 52-57).

Referring to claim 6, Lobiondo discloses wherein the size of each said modified print tasks is primarily proportional to the speed of the printer associated with the print task (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 7, Lobiondo discloses wherein said dividing comprises job splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 8, Lobiondo discloses wherein said dividing comprises copy splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 9, Lobiondo discloses wherein said dividing comprises a combination of copy splitting and job splitting (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 10, Lobiondo discloses distributing said plurality of modified print tasks to said plurality of printers (col. 4, lines 58-64, col. 5, lines 45-62).

Referring to claim 13, Sugiyama discloses a post-driver print processor capable of modifying a print task, after driver processing, according to print task modification commands, said print processor comprising: a spooler interface for receiving a print task from a spooler, wherein said spooler and said spooler interface reside on an end-user computing device (col. 10-11, lines 59-67, 1-3) (col. 6, lines 22-27); a command interface on said end-user computing device, said command interface for receiving a print task modification command from a user at said end-user computing device (Fig. 6, col. 5, lines 52-57); a modifier, on said end-user computing device, said modifier for modifying said print task according to said print task modification command, after a driver has processed said print task, thereby creating at least one modified print task (despoiler 42 of Fig. 5, col. 5, lines 44-51); and an output, on said end-user computing device, said output for sending at least one of said plurality of modified print tasks to the printer associated with said modified print task (col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a

print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claim 13.

Referring to claim 14, Sugiyama discloses wherein said interface receives print task modification commands independently of said input for receiving a print task (col. 8, lines 3-28).

Referring to claim 15, Sugiyama discloses wherein said interface is a dialog box (Fig. 6, col. 5, lines 52-57).

Referring to claim 16, Lobiondo discloses wherein a command interface prompts a user for job splitting parameters (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 17, Lobiondo discloses wherein a command interface prompts a user for copy splitting parameters (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 18, Lobiondo discloses wherein a command interface prompts a user for copy splitting and job splitting parameters (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 19, Lobiondo discloses wherein a command interface prompts a user for multiple printer selection (col. 4, lines 58-64, col. 5, lines 27-62).

Referring to claim 20, Sugiyama discloses a computer readable medium comprising computer executable instructions for modifying a print task at an end-user computing device (col. 10-11, lines 59-67, 1-3) with a post-driver print processor, said instructions comprising the acts of: receiving a printer-driver-converted print task at said

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print processor on said end-user computing device, said printer-driver-converted print task being received from a spooler (col. 6, lines 22-27); receiving print task modification commands at said print processor on said end-user computing device (Fig. 6, col. 5, lines 52-57); and modifying said printer-driver-converted print task with said print processor (despoiler 42 of Fig. 5, col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers.

Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claim 20.

Referring to claim 22, Sugiyama discloses a method for modifying a print task with a print processor on an end-user computing device (col. 10-11, lines 59-67, 1-3), said method comprising the acts of: sending a print task to a driver on said end-user computing device (col. 6, lines 22-27); converting said print task with said driver on said end-user computing device (col. 7, lines 8-21); prompting a user for print task modification commands on said end-user computing device (Fig. 6, col. 5, lines 52-57);



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receiving said print task modification commands through a user interface on said end-user computing device (Fig. 6, col. 5, lines 52-57); creating a spool file for said converted print task on said computing device (col. 7, lines 22-27); sending said spool file to a spooler on said computing device (col. 6, lines 22-27); spooling said spool file to a modifying non-driver print on said computing device (despoiler 42 of Fig. 5, col. 5, lines 44-51); modifying said spool file according to said print task modification commands on said computing device, after said converting by said driver, thereby creating at least one modified print task (col. 5, lines 44-51). Sugiyama does not disclose expressly dividing said print task proportional to the capabilities of the printers. Lobiondo disclose dividing a print task into a plurality of modified print tasks with a non-driver processor, wherein the size of each of said modified print task is proportional to the capabilities of one of said plurality of printers to which said print task is associated (col. 4, lines 58-64, col. 5, lines 45-62). Sugiyama and Lobiondo are combinable because they are from the same field of selecting a printer for printing. At the time of the invention, it would have obvious to a person of ordinary skill in the art to divide a print task proportional to the capabilities of the printers. The motivation for doing so would have been to improve the time needed for printing. Therefore, it would have been obvious to combine Lobiondo with Sugiyama to obtain the invention as specified in claim 22.

3. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama Patent 6,965,958 and Lobiondo Patent 5,287,194 as applied to claim 1 above, and further in view of Onuma Patent 6,570,669.

Referring to claim 11, Sugiyama discloses a print task but does not expressly disclose wherein said print task is a printer-ready file. Onuma discloses a print task consisting of a printer-ready file (RAW file, Col. 6, lines 6-9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate a printer-ready file format. One of ordinary skill in the art would have been motivated to do this because the printer-ready file, or a RAW file, is a standard format available for print tasks at the time this invention was made and the data sent to a printer for printing needs to be in a format suitable for printing. Therefore, it would have been obvious to combine Onuma with Sugiyama to obtain the invention as specified in claim 11.

Referring to claim 12, Sugiyama discloses a print task but does not expressly disclose wherein said print task is journalled printer data. Onuma discloses a print task consisting of journalled printer data (EMF file, Col. 6, lines 9-15). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate journalled printer data format. One of ordinary skill in the art would have been motivated to do this because journalled printer data, or an EMF file, is a standard format available for print tasks available at the time this invention was made. Therefore, it would have been obvious to combine Onuma with Sugiyama to obtain the invention as specified in claim 12.

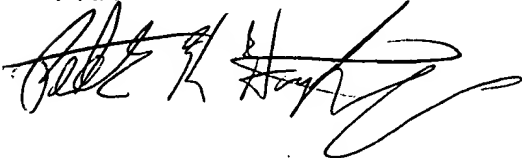
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH



**KIMBERLY WILLIAMS**  
SUPERVISORY PATENT EXAMINER